

EXHIBIT 2

Docket as of December 30, 2001 2:27 am

Web PACER (v2.3)

U.S. District Court

U.S. District for the Northern District of California (San Jose)

CIVIL DOCKET FOR CASE #: 99-CV-21165

Affymetrix, Inc., et al v. Synteni Inc., et al

Filed: 11/24/98
Assigned to: Judge Jeremy Fogel
Jury demand: Both
Referred to: Mag. Judge Maria-Elena James
Demand: \$0,000
Nature of Suit: 830
Lead Docket: 99-CV-21163
Jurisdiction: Federal Question
Dkt # in USDC Delaware : is 98 520
Cause: 15:1126 Patent Infringement

AFFYMETRIC INC., a California
corporation
Plaintiff

Elizabeth A. Howard
[COR LD NTC]
Orrick Herrington & Sutcliffe
LLP
1000 Marsh Road
Menlo Park, CA 94025
650-614-7400
Stuart B. Young
[COR LD NTC]
Young Conaway Stargatt & Taylor
P.O. Box 391
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(302) 571-6600
Geoffrey W. Millsom
[COR NTC]
Ryan D. Poliakoff
[COR NTC]
Orrick Herrington & Sutcliffe
LLP
666 Fifth Avenue
New York, NY 10103
212-506-5000

v.

SYNTENI INC., a Delaware
corporation
defendant

Don F. Livornese
[COR LD NTC]
Howrey Simon Arnold & White,
LLP
301 Ravenswood Avenue
Menlo Park, CA 94025-3741
(650) 463-8100
Robert P. Taylor
[COR LD NTC]
Teresa M. Corbin
[COR LD NTC]
Howrey Simon Arnold & White LLP
301 Ravenswood Ave
Menlo Park, CA 94025
650-463-8100

INCYTE PHARMACEUTICALS, INC.,
a Delaware corporation
defendant

Don F. Livornese
(See above)
[COR LD NTC]
Robert P. Taylor
(See above)
[COR LD NTC]
Teresa M. Corbin
(See above)
[COR LD NTC]

SYNTENI INC.
Counter-claimant

Teresa M. Corbin
(See above)
[COR LD NTC]

INCYTE PHARMACEUTICALS, INC.
Counter-claimant

Teresa M. Corbin
(See above)
[COR LD NTC]

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EUGENE F. LYNCH, Judge
Special Master

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Howrey Simon Arnold & White,

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READ AMBLER, Judge
Special Master

DOCKET PROCEEDINGS

DATE	#	DOCKET ENTRY
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11/24/98	1	ORIGINAL file, certified copy of transfer order and docket sheet received from USDC Delaware (no process). Fee status tran; jury demand Their case number 98 0520. Patent Case [4:98-cv-04508] (db) [Entry date 11/25/98]
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11/24/98 2 ORDER RE COURT PROCEDURE and SCHEDULE by Judge D. L. Jensen : counsels' case management statement to be filed by 3/14/99 ; initial case management conference will be held 8:30 3/24/99 . (cc: all counsel) (db) [Entry date 11/25/98]

11/24/98 3 NOTICE by Plaintiff Affymetric Inc. of related case(s) C98 3192 FMS, C98 4507 JL [4:98-cv-04508] (db) [Entry date 11/25/98]

11/24/98 1 MOTION (filed 9/1/98 in U.S.D.C. - Delaware) now before Judge Fern M. Smith by Plaintiff Affymetric Inc. for preliminary injunction [3:98-cv-04508] (lcc) [Entry date 03/29/99]

11/30/98 4 ORIGINAL file, certified copy of transfer order and docket sheet received from US District Court - Delaware (no process). Fee status tran; jury demand [4:98-cv-04508] (mh) [Entry date 11/30/98]

12/2/98 -- RECEIVED Stipulation re notice of related case submitted by Plaintiff, defendant [4:98-cv-04508] (scu) [Entry date 12/03/98]

12/3/98 5 ORDER by Judge D. L. Jensen referring this case to a Magistrate Judge for the purposes of discovery (Date Entered: 12/04/98) (cc: all counsel) [4:98-cv-04508] (mh) [Entry date 12/04/98]

12/4/98 -- REFERRAL: referring case for discovery to Mag. Judge Maria-Elena James [4:98-cv-04508] (wh) [Entry date 12/04/98]

12/4/98 6 PROOF OF SERVICE by Plaintiff Affymetric Inc. of document received re stipulation [0-0] [4:98-cv-04508] (mh) [Entry date 12/04/98]

12/11/98 7 Consolidated REPLY BRIEF by defendants in support of motions to compel discovery (see District of Delaware docket numbers 66 & 68) [4:98-cv-04508] (kc) [Entry date 12/14/98]

12/11/98 8 DECLARATION by V. Randall Gard on behalf of defendants in support of motion to compel discovery (see District of Delaware docket #66 & 68) [4:98-cv-04508] (kc) [Entry date 12/14/98]

12/11/98 9 PROOF OF SERVICE by defendant of declaration [8-1], reply [7-1] [4:98-cv-04508] (kc) [Entry date 12/14/98]

12/14/98 10 ORDER by Judge Fern M. Smith relating case C-98-3192-FMS with member cases C-98-4507-JL and C-98-4508-DLJ; Case reassigned to Judge Fern M. Smith; (Date Entered: 12/16/98) (cc: all counsel) [4:98-cv-04508] (kc) [Entry date 12/16/98]

12/15/98 11 EXPEDITED MOTION before Judge Fern M. Smith by Plaintiff Affymetrix Inc. to shorten time on motion for preliminary injunction [3:98-cv-04508] (lcc) [Entry date 12/16/98]

12/15/98 12 DECLARATION by Sue Siegel on behalf of Plaintiff Affymetrix Inc. in support of expedited motion to shorten time on motion for preliminary injunction [11-1] [3:98-cv-04508] (lcc) [Entry date 12/16/98]

12/15/98 13 DECLARATION by Shelley J. Sandusky on behalf of Plaintiff Affymetrix Inc. in support of expedited motion to shorten time on motion for preliminary injunction [11-1] [3:98-cv-04508] (lcc) [Entry date 12/16/98]

12/15/98 14 DECLARATION by Elizabeth A. Howard on behalf of Plaintiff Affymetrix Inc. in support of expedited motion to shorten time on motion for preliminary injunction [11-1] [3:98-cv-04508] (lcc) [Entry date 12/16/98] [Edit date 12/16/98]

12/15/98 -- RECEIVED Proposed Order (Plaintiff Affymetrix Inc.) re: expedited motion to shorten time on motion for preliminary injunction [11-1] [3:98-cv-04508] (lcc) [Entry date 12/16/98]

12/15/98 15 RE-NOTICE of hearing by Plaintiff Affymetrix Inc. regarding motion for preliminary injunction; hearing set for 10:00 1/15/99 [3:98-cv-04508] (lcc) [Entry date 12/16/98]

12/15/98 16 PROOF OF SERVICE by Plaintiff Affymetrix Inc. of expedited motion to shorten time on motion for preliminary injunction [11-1], declarations [12-1], [13-1], [14-1], order received [0-0] and motion notice [15-1] [3:98-cv-04508] (lcc) [Entry date 12/16/98]

12/15/98 17 CERTIFICATE OF SERVICE by defendants of documents filed on 11/3/98 and 11/6/98 in U.S. District Court (Delaware). [3:98-cv-04508] (lcc) [Entry date 12/17/98]

- 12/16/98 18 MINUTES: (C/R - none) (Hearing Date: 12/15/98) Status Conference held by phone. Defendant should continue with deposition today and make a record. Defendant has leave of the Court to file a formal motion to compel. Counsel should not have any communication with witnesses without permission of lawyer. [3:98-cv-04508] (lcc) [Entry date 12/17/98]
- 12/17/98 19 NOTICE of hearing by defendant Synteni Inc., defendant Incyte Pharmaceutica setting motion to compel discovery filed 11/3/98 for 1/15/98 at 10:00 a.m. [3:98-cv-04508] (mmr) [Entry date 12/22/98]
- 12/17/98 20 NOTICE of hearing by defendant Synteni Inc., defendant Incyte Pharmaceutica setting motion to compel discovery filed 11/6/98 for hearing on 1/15/99 at 10:00 a.m. [3:98-cv-04508] (mmr) [Entry date 12/22/98]
- 12/17/98 22 RE-NOTICE of hearing by defendant Synteni Inc., defendant Incyte Pharmaceutica setting motin to compel discovery filed 11/6/98 for hearing on 1/21/99 at 10:00 a.m. [3:98-cv-04508] (mmr) [Entry date 12/22/98]
- 12/17/98 23 PROOF OF SERVICE by defendant Synteni Inc., defendant Incyte Pharmaceutica of motion notice [21-1], motion notice [22-1], motion notice [20-1], motion notice [19-1] [3:98-cv-04508] (mmr) [Entry date 12/22/98]
- 12/17/98 24 CLERK'S NOTICE Case Management Conference set for 8:30 a.m. on 4/2/99 [3:98-cv-04508] (mmr) [Entry date 12/22/98]
- 12/17/98 25 EXPEDITED MOTION before Judge Fern M. Smith by defendant Synteni Inc., defendant Incyte Pharmaceutica to shorten time for hearing on motion to compel discovery filed 11/3/98 [3:98-cv-04508] (mmr) [Entry date 12/22/98]
- 12/17/98 26 EXPEDITED MOTION before Judge Fern M. Smith by defendant Synteni Inc., defendant Incyte Pharmaceutica to shorten time for hearing on motion to compel discovery filed 11/3/98 and 11/6/98 [3:98-cv-04508] (mmr) [Entry date 12/22/98]
- 12/17/98 27 DECLARATION by Teresa M. Corbin on behalf of defendant Synteni Inc., defendant Incyte Pharmaceutica in support of motion to shorten time for hearing on motion to compel discovery 11/3/98 and 11/6/98 [26-1], in support of motion to shorten time for hearing on motion to compel discovery

filed 11/3/98 [25-1] [3:98-cv-04508] (mmr)
[Entry date 12/22/98]

- 12/17/98 28 RE-NOTICE of hearing by Plaintiff Affymetric Inc. setting plaintiff's motion for preliminary injunction for 1/22/99 at 10:00 a.m. [3:98-cv-04508] (mmr) [Entry date 12/22/98]
- 12/17/98 29 ORDER by Judge Fern M. Smith denying motion to shorten time for hearing on motion to compel discovery filed [25-1] (Date Entered: 12/22/98) (cc: all counsel) [3:98-cv-04508] (mmr) [Entry date 12/22/98]
- 12/17/98 30 ORDER by Judge Fern M. Smith denying motion to shorten time for hearing on motion to compel discovery filed and 11/6/98 [26-1] (Date Entered: 12/22/98) (cc: all counsel) [3:98-cv-04508] (mmr) [Entry date 12/22/98]
- 12/18/98 21 RE-NOTICE of hearing by defendant Synteni Inc., defendant Incyte Pharmaceutica setting motion to compel discovery filed 11/3/98 for 1/21/99 at 10:00 a.m. [3:98-cv-04508] (mmr) [Entry date 12/22/98]
- 12/18/98 31 PROOF OF SERVICE by Plaintiff Affymetric Inc. of motion notice [21-1] [3:98-cv-04508] (mmr) [Entry date 12/22/98]
- 12/18/98 32 EXPEDITED MOTION before Judge Fern M. Smith by defendant Synteni Inc., defendant Incyte Pharmaceutica to continue hearing and briefing schedule of plaintiff's motion for preliminary injunction [3:98-cv-04508] (mmr) [Entry date 12/22/98]
- 12/18/98 33 NOTICE by defendant Synteni Inc., defendant Incyte Pharmaceutica [32-1] of expedited motion to continue hearing and briefing schedule of plaintiff's motion for preliminary injunction [3:98-cv-04508] (mmr) [Entry date 12/22/98]
- 12/18/98 34 DECLARATION by Teresa M. Corbin on behalf of defendant Synteni Inc., defendant Incyte Pharmaceutica in support of motion to continue hearing and briefing schedule of plaintiff's for preliminary injunction [32-1] [3:98-cv-04508] (mmr) [Entry date 12/22/98]
- 12/18/98 35 PROOF OF SERVICE by defendant Synteni Inc., defendant Incyte Pharmaceutica of declaration [34-1], notice [33-1], motion to continue hearing and briefing schedule of plaintiff's motion for preliminary injunction [32-1] [3:98-cv-04508] (mmr) [Entry date 12/22/98]

12/18/98 36 PROOF OF SERVICE by defendant Synteni Inc., defendant Incyte Pharmaceutica of stipulation and proposed order for leave to file an opposition in excess of page limits [3:98-cv-04508] (mmr) [Entry date 12/22/98]

12/18/98 -- RECEIVED Proposed Order (defendant Synteni Inc., defendant Incyte Pharmaceutica) re: motion to continue hearing and briefing schedule of plaintiff's motion for preliminary injunction [32-1] [3:98-cv-04508] (mmr) [Entry date 12/22/98]

12/18/98 37 MEMORANDUM by Plaintiff Affymetric Inc. in opposition to motion to continue hearing and briefing schedule of plaintiff's motion for preliminary injunction [32-1] [3:98-cv-04508] (mmr) [Entry date 12/22/98]

12/18/98 -- RECEIVED Proposed Order (Plaintiff Affymetric Inc.) re: motion to continue hearing and briefing schedule of plaintiff's motion for preliminary injunction [32-1] [3:98-cv-04508] (mmr) [Entry date 12/22/98]

12/21/98 38 STIPULATION and ORDER by Judge Fern M. Smith : for leave to file an opposition brief exceeding the page limits (cc: all counsel) [3:98-cv-04508] (mmr) [Entry date 12/22/98]

12/21/98 39 EXPEDITED MOTION before Judge Fern M. Smith by defendant Synteni Inc., defendant Incyte Pharmaceutica to shorten time for hearing on defts' motions to compel discovery filed 11/3/98 and 11/6/98 [3:98-cv-04508] (mmr) [Entry date 12/22/98]

12/21/98 40 DECLARATION by Mark Malin on behalf of defendant Synteni Inc., defendant Incyte Pharmaceutica in support of motion to shorten time for hearing on defts' motions to compel discovery 11/3/98 and 11/6/98 [39-1] [3:98-cv-04508] (mmr) [Entry date 12/22/98]

12/21/98 41 DECLARATION by Teresa M. Corbin on behalf of defendant Synteni Inc., defendant Incyte Pharmaceutica in support of motion to shorten time for hearing on defts' motions to compel discovery filed 11/3/98 and 11/6/98 [39-1] [3:98-cv-04508] (mmr) [Entry date 12/22/98]

12/21/98 -- RECEIVED Proposed Order (defendant Synteni Inc., defendant Incyte Pharmaceutica) re: motion to shorten time for hearing on defts' motions to compel discovery filed 11/3/98 and 11/6/98 [39-1] [3:98-cv-04508] (mmr)

[Entry date 12/22/98]

- 12/21/98 42 PROOF OF SERVICE by defendant Synteni Inc., defendant Incyte Pharmaceutica of order received [0-0], declaration [41-1], declaration [40-1], motion to shorten time for hearing on defts' motions to compel discovery filed 11/3/98 and 11/6/98 [39-1] [3:98-cv-04508] (mmr) [Entry date 12/22/98]
- 12/21/98 43 PROOF OF SERVICE by defendant Synteni Inc., defendant Incyte Pharmaceutica of opposition memorandum [37-1] [3:98-cv-04508] (mmr) [Entry date 12/22/98]
- 12/21/98 44 ORDER by Judge Fern M. Smith referring case for discovery to Mag. Judge Maria-Elena James (Date Entered: 12/23/98) (cc: all counsel) [3:98-cv-04508] (mmr) [Entry date 12/23/98]
- 12/21/98 50 AMENDED CERTIFICATE OF SERVICE by defendants of motion to continue hearing and briefing schedule of plaintiff's motion for preliminary injunction [32-1], notice [33-1], declaration [34-1] and proof of service [35-1] [3:98-cv-04508] (lcc) [Entry date 01/05/99]
- 12/22/98 45 Statement by Plaintiff Affymetric Inc. in NON-Opposition to motion to shorten time for hearing on defts' motions to compel discovery filed 11/3/98 and 11/6/98 [39-1] [3:98-cv-04508] (mmr) [Entry date 12/23/98]
- 12/22/98 46 DECLARATION by Shelley Sandusky on behalf of Plaintiff Affymetric Inc. in support of non- opposition statement [45-1] [3:98-cv-04508] (mmr) [Entry date 12/23/98]
- 12/23/98 47 PROOF OF SERVICE by Plaintiff Affymetrix Inc. of non-opposition statement [45-1] and declaration [46-1] [3:98-cv-04508] (lcc) [Entry date 12/28/98]
- 12/23/98 48 CERTIFICATE OF SERVICE by Defendants Synteni Inc. and Incyte Pharmaceuticals of letter brief and certificate of service. [3:98-cv-04508] (lcc) [Entry date 12/28/98]
- 12/23/98 54 LETTER dated 12/23/98 from Teresa M. Corbin to Mag. Judge Maria-Elena James regarding two motions by defendants to compel discovery from plaintiff. [3:98-cv-04508] (lcc) [Entry date 01/07/99]
- 12/30/98 49 PROOF OF SERVICE by Plaintiff Affymetrix Inc. of Initial

Disclosure of asserted claims pursuant to Local Rule 16-7.
[3:98-cv-04508] (lcc) [Entry date 12/30/98]

- 1/7/99 51 LETTER (by fax) dated 1/5/99 from Teresa M. Corbin to the Court that William J. Marsden of Potter Anderson & Corroon are no longer involved in this case and request that the Court's records be amended to reflect substitution of counsel such that all future correspondence be sent directly to attorney of record, Teresa M. Corbin.
[3:98-cv-04508] (lcc) [Entry date 01/07/99]
- 1/7/99 52 ORDER by Mag. Judge Maria-Elena James GRANTING defendants' motion to compel. Additionally, the Court ORDERS the parties to adhere to the following briefing schedule: 1. Plaintiff shall complete their document production by 1/22/99. Plaintiff shall, however, exercise due diligence and good faith to produce all documents not considered voluminous by 1/15/99; 2. All depositions shall be completed by 2/5/99; 3. Discovery relevant to Plaintiff's Motion for Preliminary Injunction shall close on 2/5/99; 4. Defendants shall file opposition papers to Plaintiff's Motion for Preliminary Injunction by 2/26/99 in accordance with Civil L.R. 7; 5. Plaintiff shall file a reply to Defendants' opposition by 3/5/99 in accordance with Civil L.R. 7; 6. The District Court shall conduct a hearing on Plaintiff's Motion fo Preliminary Injunction on 10:00 3/26/99. The above briefing schedule supercedes the dates ordered orally by the Court at oral argument. In the event that additional discovery disputes arise in the matter herein, the parties are ordered to follow the procedures outlined in Paragraph 3 of the Court's Notice of Reference and Order of Discovery and Disclosure Dispute Procedures, a copy of which is enclosed herein. (Date Entered: 1/7/99) (cc: all counsel) [3:98-cv-04508] (lcc)
[Entry date 01/07/99]
- 1/7/99 53 NOTICE OF REFERENCE AND ORDER by Mag. Judge Maria-Elena James of Discovery and Disclosure Dispute Procedures: Please be advised that if a specific motion was filed before the District Court prior to this referral, the noticed date may no longer be in effect. All hearing dates are subject to the availability of Judge James' calendar (please see order for more specific details). (Date Entered: 1/7/99) (cc: all counsel) [3:98-cv-04508] (lcc)
[Entry date 01/07/99]
- 1/7/99 55 MINUTES: (C/R - Tape #98-38) (Hearing Date: 1/7/99 - Mag. Judge Maria-Elena James) Defendants' motions held. Plaintiff's document production by 1/22/99; depositions by 2/5/99; discovery closed by 2/5/99 for Preliminary Injunction matters. Defendants' opposition due by 2/26/99; reply due 3/5/99. Preliminary Injunction hearing will be held 10:00 3/26/99 before Judge Fern M. Smith.

[3:98-cv-04508] (lcc) [Entry date 01/11/99]

- 1/7/99 56 COPY OF LETTER dated 1/5/99 from Teresa M. Corbin to William L. Anthony, Jr., Esq. regarding assignment of cases to Mag. Judge Maria-Elena James for discovery purposes. [3:98-cv-04508] (lcc) [Entry date 01/13/99]
- 1/14/99 57 LETTER (by fax) dated 1/13/99 from V. Randall Gard, Esq. and Craig R. Kaufman to Mag. Judge Maria-Elena James respectfully request a telephonic discovery conference. [3:98-cv-04508] (lcc) [Entry date 01/15/99]
- 1/14/99 58 ORDER by Mag. Judge Maria-Elena James Amending Order Granting Defendant's Motion to Compel Discovery [52-2]: The Court VACATES portion of the order [52-2], filed 1/7/99. The Court ORDERS plaintiff to produce the documents as negotiated and agreed to by counsel at their 1/7/99 meet and conferral which followed oral argument of defendants' motions to compel. Counsel shall fax to the Court a proposed order which sets forth the documents counsel agreed shall be produced by plaintiff. In the event that the Court does not receive the proposed order by 5:00 p.m., 1/14/99, the parties are ORDERED to appear before the Court on 9:30 1/15/99 to meet and confer on plaintiff's document production. All other provisions of the Court's order [52-2], filed 1/7/99, remain in effect. (Date Entered: 1/15/99) (cc: all counsel) [3:98-cv-04508] (lcc) [Entry date 01/15/99]
- 1/15/99 59 MINUTES: (C/R - none) (Hearing Date: 1/15/99) Discovery Conference held with Mag. Judge Maria-Elena James. Case continued to 3/26/99 at 10:00 a.m. for plaintiff's motion for preliminary injunction before Judge Fern M. Smith. [3:98-cv-04508] (lcc) [Entry date 01/19/99]
- 1/15/99 60 SECOND ORDER by Mag. Judge Maria-Elena James Amending Order Granting Defendants' Motion to Compel Discovery [52-2]: Pursuant to the hearing, the Court ORDERS plaintiff to produce all documents, subject to the documents previously disclosed, corresponding to the time and subject matter constraints set forth (please see order for more specific details). (cc: all counsel) [3:98-cv-04508] (lcc) [Entry date 01/19/99]
- 1/15/99 61 LETTER (by fax) dated 1/14/99 from V. Randall Gard to Mag. Judge Maria-Elena James regarding an attempt to resolve discovery dispute and that the parties still have several significant discovery issues which need to be addressed by the Court. [3:98-cv-04508] (lcc) [Entry date 01/20/99]

1/28/99 62 APPLICATION (by fax) before Judge Fern M. Smith by Plaintiff Affymetrix Inc. for attorneys, Geoffrey W. Millsom and Ryan D. Poliakoff to appear pro hac vice [3:98-cv-04508] (lcc) [Entry date 01/29/99]

1/28/99 62 ORDER by Judge Fern M. Smith GRANTING plaintiffs' application for attorneys, Geoffrey W. Millsom and Ryan D. Poliakoff to appear pro hac vice [62-1]. (Date Entered: 1/29/99) (cc: all counsel) [3:98-cv-04508] (lcc) [Entry date 01/29/99]

1/28/99 63 DECLARATION (by fax) Geoffrey W. Millsom on behalf of Plaintiff Affymetrix Inc. in support of application for attorneys to appear pro hac vice [62-1] [3:98-cv-04508] (lcc) [Entry date 01/29/99]

1/28/99 64 DECLARATION (by fax) Ryan D. Poliakoff on behalf of Plaintiff Affymetrix Inc. in support of application for attorneys to appear pro hac vice [62-1] [3:98-cv-04508] (lcc) [Entry date 01/29/99]

1/28/99 65 MINUTES: (C/R - none) (Hearing Date: 1/28/99) Discovery conference held with Mag. Judge Maria-Elena James. Matter referred back to Judge Fern M. Smith for status. [3:98-cv-04508] (lcc) [Entry date 02/02/99]

2/1/99 66 LETTER dated 2/1/99 from Teresa M. Corbin to Mag. Judge Maria-Elena James regarding production of related documents required by the Court's 1/15/99 order. [3:98-cv-04508] (lcc) [Entry date 02/04/99]

2/2/99 67 MINUTES: (C/R - none) (Hearing Date: 2/2/99) Status Conference held with Mag. Judge Maria-Elena James regarding defendants' motion regarding expert witness. [3:98-cv-04508] (lcc) [Entry date 02/05/99]

2/4/99 68 MINUTES: (C/R - none) (Hearing Date: 2/4/99) Telephonic Discovery Conference held with Mag. Judge Maria-Elena James. Depositions currently scheduled by defendant and previously noticed in October make take place. [3:98-cv-04508] (lcc) [Entry date 02/05/99]

2/9/99 70 LETTER dated 2/9/99 from Craig R. Kaufman to Mag. Judge Maria-Elena James regarding production of documents. [3:98-cv-04508] (lcc) [Entry date 02/16/99]

2/11/99 69 MINUTES: (C/R - none) (Hearing Date: 2/11/99) Status Conference held and continued to 2/18/99 at 3:00 p.m. for

Status by phone. [3:98-cv-04508] (lcc) [Entry date 02/12/99]

- 2/12/99 71 ORDER by Mag. Judge Maria-Elena James: On 2/1/99, defendants sought clarification of the Court's 1/25/99 order. Plaintiff sought leave to respond to defendant's letter seeking clarification. The Court granted plaintiff leave to submit a response by 2/9/99. On 2/9/99, plaintiff submitted a response in the form of a letter which is presently before the Court. Defendants now request an opportunity to substantively address the questions raised in its 2/1/99 letter as well. Good cause appearing, the Court GRANTS defendants leave to submit a letter brief, not to exceed two (2) pages, no later than 2/18/99. Oral arguments on this matter will be heard on 2/25/99 at 10:00 a.m. (cc: all counsel) [3:98-cv-04508] (lcc) [Entry date 02/16/99] [Edit date 07/27/99]
- 2/18/99 72 LETTER (by fax) dated 2/18/99 from D. Randall Gard to Mag. Judge Maria-Elena James regarding discovery of production of the interference-related documents. [3:98-cv-04508] (lcc) [Entry date 02/23/99]
- 2/22/99 73 MINUTES: (C/R - Leo Mankiewicz) (Hearing Date: 2/18/99) Status Conference held. Discovery dispute discussed. [3:98-cv-04508] (lcc) [Entry date 02/26/99]
- 2/22/99 74 REPORTER'S TRANSCRIPT; Date of proceedings: 2/18/99 (C/R: Leo Mankiewicz) minutes [73-2] [3:98-cv-04508] (lcc) [Entry date 02/26/99]
- 2/23/99 75 DECLARATION by Teresa M. Corbin on behalf of defendants requesting Court order to change briefing and hearing scheduled [3:98-cv-04508] (lcc) [Entry date 02/26/99]
- 2/23/99 76 CERTIFICATE OF SERVICE by defendants of declaration [75-1] [3:98-cv-04508] (lcc) [Entry date 02/26/99]
- 2/23/99 75 REQUEST by defendants for Court order to change briefing and hearing schedule [3:98-cv-04508] (lcc) [Entry date 02/26/99]
- 2/24/99 79 ORDER by Mag. Judge Maria-Elena James: Upon review of the parties' papers, the Court deems the matter SUBMITTED on the paper until further order by the Court, pursuant to Civil L.R. 7-1 (b). The hearing scheduled on 2/25/99 at 10:00 a.m. is VACATED. (Date Entered: 2/26/99) (cc: all counsel) [3:98-cv-04508] (lcc) [Entry date 02/26/99]

- 2/25/99 77 DECLARATION by William L. Anthony, Jr. on behalf of Plaintiff Affymetrix Inc. in opposition to request for Court to change briefing and hearing schedule [75-1] and declaration [75-1] [3:98-cv-04508] (lcc) [Entry date 02/26/99]
- 2/25/99 78 DECLARATION by Elizabeth Howard on behalf of Plaintiff Affymetrix Inc. in opposition to request for Court order to change briefing and hearing schedule [75-1] and declaration [75-1] [3:98-cv-04508] (lcc) [Entry date 02/26/99]
- 2/25/99 80 MINUTES: (C/R - none) (Hearing Date: 2/25/99) Oral Argument before Mag. Judge Maria-Elena James - parties not present. Parties disputed position regarding defendants' request for clarification of 2nd amended order granting defendants' motion to compel discovery dated 1/15/99 - Scope of production of interference proceeding documents item #6. Matter deemed SUBMITTED on the papers. [3:98-cv-04508] (lcc) [Entry date 02/26/99] [Edit date 02/26/99]
- 3/1/99 81 EX-PARTE MOTION with Memorandum of Points and Authorities before Judge Fern M. Smith by Plaintiff Affymetrix Inc. for order to show cause why preliminary injunction should not be entered against defendants Synteni, Inc. and Incyte Pharmaceuticals, Inc. [3:98-cv-04508] (lcc) [Entry date 03/01/99]
- 3/1/99 82 DECLARATION by Craig R. Kaufman on behalf of Plaintiff Affymetrix Inc. in support of ex parte motion for order to show cause why preliminary injunction should not be entered against defendants Synteni, Inc. and Incyte Pharmaceuticals, Inc. [81-1] [3:98-cv-04508] (lcc) [Entry date 03/01/99]
- 3/1/99 83 DECLARATION by Melissa A. Finocchio on behalf of Plaintiff Affymetrix Inc. in support of ex parte motion for order to show cause why preliminary injunction should not be entered against defendants Synteni, Inc. and Incyte Pharmaceuticals, Inc. [81-1] [3:98-cv-04508] (lcc) [Entry date 03/01/99]
- 3/1/99 -- RECEIVED Proposed Order (Plaintiff Affymetrix Inc.) re: ex parte motion for order to show cause why preliminary injunction should not be entered against defendants Synteni, Inc. and Incyte Pharmaceuticals, Inc. [81-1] [3:98-cv-04508] (lcc) [Entry date 03/01/99]
- 3/2/99 84 OPPOSITION by defendants to ex parte motion for order to show cause why preliminary injunction should not be entered against defendants Synteni, Inc. and Incyte

Pharmaceuticals, Inc. [81-1] [3:98-cv-04508] (lcc)
[Entry date 03/02/99]

- 3/2/99 85 CERTIFICATE OF SERVICE by defendants of opposition [84-1]
[3:98-cv-04508] (lcc) [Entry date 03/02/99]
- 3/2/99 86 PROOF OF SERVICE by Plaintiff Affymetrix Inc. of letter and
declarations [77-1], [78-1] [3:98-cv-04508] (lcc)
[Entry date 03/02/99]
- 3/2/99 87 PROOF OF SERVICE by Plaintiff Affymetrix Inc. of ex parte
motion for order to show cause why preliminary injunction
should not entered against defendants Synteni, Inc. and
Incyte Pharmaceuticals, Inc. [81-1], declarations [82-1],
[83-1] and order received [0-0] [3:98-cv-04508] (lcc)
[Entry date 03/02/99]
- 3/3/99 88 ORDER by Judge Fern M. Smith: Although the Court has broad
discretion to sanction a party for failing to comply with
the rules of discovery, any kind of an injunction is an
extraordinary remedy. After reviewing the equities of the
circumstances described in plaintiff's motion and
accompanying papers, the Court finds that they do not
warrant the issuance of such an extraordinary sanction.
Plaintiff's ex parte request for order to show cause why
preliminary injunction should not be entered against
defendants Synteni, Inc. and Incyte Inc. [81-1] is DENIED.
(Date Entered: 3/4/99) (cc: all counsel) [3:98-cv-04508]
(lcc) [Entry date 03/04/99]
- 3/3/99 89 LETTER (by fax) dated 3/3/99 from Melissa A. Finocchio to
Mag. Judge Maria-Elena James requesting that the Court: (1)
compel defendants, by no later than 9:00 a.m. on 3/8/99 to
obey the Court's order of 1/15/99 (at paragraph 6(A))
directing them to produce documents responsive to Request
No. 7-10; (2) impose sanctions against defendants; and (3)
schedule a telephonic hearing for 3/4/99 at whatever time
is convenient for the Court. [3:98-cv-04508] (lcc)
[Entry date 03/04/99]
- 3/4/99 90 EX-PARTE MOTION before Mag. Judge Maria-Elena James by
Plaintiff Affymetrix Inc. to compel the deposition of Dr.
Richard Rapp or to preclude testimony [3:98-cv-04508] (lcc)
[Entry date 03/04/99]
- 3/4/99 91 DECLARATION by Amy L. Landers on behalf of Plaintiff
Affymetrix Inc. in support of ex parte motion to compel the
deposition of Dr. Richard Rapp [90-1] and ex parte motion
to preclude testimony [90-2] [3:98-cv-04508] (lcc)
[Entry date 03/04/99]

3/4/99 -- RECEIVED Proposed Order (Plaintiff Affymetrix Inc.) re: ex parte motion to compel the deposition of Dr. Richard Rapp [90-1] and ex parte motion to preclude testimony [90-2] [3:98-cv-04508] (lcc) [Entry date 03/04/99]

3/4/99 92 DECLARATION OF SERVICE by Plaintiff Affymetrix Inc. of ex parte motion to compel the deposition of Dr. Richard Rapp [90-1], ex parte motion to preclude testimony [90-2], declaration [91-1] and order received [0-0] [3:98-cv-04508] (lcc) [Entry date 03/04/99]

3/4/99 93 LETTER (by fax) dated 3/4/99 from V. Randall Gard to Mag. Judge Maria-Elena James regarding resolution of discovery disputes. [3:98-cv-04508] (lcc) [Entry date 03/05/99]

3/4/99 94 ORDER by Mag. Judge Maria-Elena James DENYING plaintiff's letter requesting to compel defendants [89-1] of merger documents generated prior to the issuance of the '992 patent. (Date Entered: 3/5/99) (cc: all counsel) [3:98-cv-04508] (lcc) [Entry date 03/05/99]

3/4/99 95 ORDER by Mag. Judge Maria-Elena James Clarifying Second Amended Order Regarding Order Granting Defendants' Motions to Compel [60-1]: Based on the aforementioned analysis, the Court ORDERS Defendants to produce FORTHWITH to Plaintiff (1) Defendants' 1/14/99 press release which references the '992 interference; (2) declarations in support of the '992 interference request; and (3) correspondence between the PTO and applicant's counsel with respect to the '992 interference. Said production shall occur by 3/9/99 at 12:00 p.m. Defendants are not required to produce drafts of expert and non-party declarations supporting the request for interference, nor any Stanford Patent Application and file history, including the patent referenced in the 1/14/99 press release. (Date Entered: 3/5/99) (cc: all counsel) [3:98-cv-04508] (lcc) [Entry date 03/05/99]

3/4/99 96 ORDER by Mag. Judge Maria-Elena James DENYING plaintiff's ex parte motion to compel the deposition of Dr. Richard Rapp [90-1] and ex parte motion to preclude testimony [90-2]. Matter herein is REFERRED to the District Court. (Date Entered: 3/5/99) (cc: all counsel) [3:98-cv-04508] (lcc) [Entry date 03/05/99]

3/5/99 97 LETTER dated 2/25/99 from William L. Anthony, Jr. to Judge Fern M. Smith respectfully requests that the Court maintain the current schedule, namely: 1. Defendants' opposition papers to Affymetrix's Motion for Preliminary Injunction of

3/5/99; 2. Plaintiff's reply to Defendants' opposition due 3/12/99; 3. The hearing will go forward as currently scheduled on 3/26/99. [3:98-cv-04508] (lcc) [Entry date 03/05/99]

- 3/5/99 98 LETTER (by fax) dated 3/4/99 from Stephen J. Rosenman to Judge Fern M. Smith regarding plaintiff's ex parte motion concerning the deposition of Dr. Richard Rapp. [3:98-cv-04508] (lcc) [Entry date 03/05/99]
- 3/8/99 99 MINUTES: (C/R - none) (Hearing Date: 3/5/99) Status Conference held by phone. Parties have been instructed to not send anymore discovery to either Judge Smith or Magistrate Judge James. Parties shall send all discovery to an agreed upon Special Master. Tutorial hearing set for 4/27/99 at 2:30 p.m., each side shall have 1 hour. Case continued to 4/30/99 at 1:00 p.m. for motion; opening briefs due 3/19/99 and opposition due 4/2/99. Motion hearing may include witness testimony and will run from 1:00 p.m. to 4:30 p.m. [3:98-cv-04508] (lcc) [Entry date 03/08/99] [Edit date 07/29/99]
- 3/15/99 100 ORDER by Judge Fern M. Smith Modifying Hearing and Briefing Schedule regarding Plaintiff Affymetrix, Inc.'s Motion for Preliminary Injunction: Defendant's brief in opposition to plaintiff's Motion for Preliminary Injunction due 3/19/99; Plaintiff's reply brief due 4/2/99. The parties will present a Tutorial to the Court on 4/27/99 at 2:30 p.m. Each side shall have one hour to present their respective tutorials. The hearing on plaintiff's Motion for Preliminary Injunction will be on 4/30/99 from 1:00 to 4:30 p.m. This time shall be split equally between plaintiff and defendants. (Date Entered: 3/16/99) (cc: all counsel) [3:98-cv-04508] (lcc) [Entry date 03/16/99]
- 3/17/99 101 PROOF OF SERVICE by Plaintiff Affymetrix Inc. of subpoena of Tidhar Dari Shalon. [3:98-cv-04508] (lcc) [Entry date 03/18/99]
- 3/18/99 102 NOTICE by Plaintiff Affymetrix Inc. of Entry of order [100-2]. [3:98-cv-04508] (lcc) [Entry date 03/19/99]
- 3/19/99 104 APPENDIX "FILED UNDER SEAL" to opposition [103-1] [3:98-cv-04508] (scu) [Entry date 03/23/99]
- 3/19/99 105 DECLARATION "FILED UNDER SEAL" in support of opposition [103-1] [3:98-cv-04508] (scu) [Entry date 03/23/99]
- 3/19/99 106 DECLARATION "FILED UNDER SEAL" in support of opposition

[103-1] [3:98-cv-04508] (scu) [Entry date 03/23/99]

3/19/99 107 DECLARATION "FILED UNDER SEAL" in support of opposition
[103-1] [3:98-cv-04508] (scu) [Entry date 03/23/99]

3/19/99 108 DECLARATION "FILED UNDER SEAL" in support of opposition
[103-1] [3:98-cv-04508] (scu) [Entry date 03/23/99]

3/19/99 109 DECLARATION (by fax) "FILED UNDER SEAL" in support of
opposition [103-1] [3:98-cv-04508] (scu)
[Entry date 03/23/99]

3/19/99 110 DECLARATION "FILED UNDER SEAL" in support of opposition
[103-1] [3:98-cv-04508] (scu) [Entry date 03/23/99]

3/19/99 111 DECLARATION (by fax) "FILED UNDER SEAL" in support of
opposition [103-1] [3:98-cv-04508] (scu)
[Entry date 03/23/99]

3/19/99 112 DECLARATION (by fax) "FILED UNDER SEAL" in support of
opposition [103-1] [3:98-cv-04508] (scu)
[Entry date 03/23/99]

3/19/99 113 DECLARATION (by fax) "FILED UNDER SEAL" in support of
opposition [103-1] [3:98-cv-04508] (scu)
[Entry date 03/23/99]

3/19/99 114 DECLARATION (by fax) "FILED UNDER SEAL" in support of
opposition [103-1] [3:98-cv-04508] (scu)
[Entry date 03/23/99]

3/19/99 115 DECLARATION (by fax) "FILED UNDER SEAL" in support of
opposition [103-1] [3:98-cv-04508] (scu)
[Entry date 03/23/99]

3/19/99 116 DECLARATION "FILED UNDER SEAL" in support of opposition
[103-1] [3:98-cv-04508] (scu) [Entry date 03/23/99]

3/19/99 117 DECLARATION (by fax) "FILED UNDER SEAL" in support of
opposition [103-1] [3:98-cv-04508] (scu)
[Entry date 03/23/99]

3/19/99 118 DECLARATION (by fax) "FILED UNDER SEAL" in support of
opposition [103-1] [3:98-cv-04508] (scu)
[Entry date 03/23/99]

3/19/99 119 DECLARATION "FILED UNDER SEAL" in support of opposition [103-1] [3:98-cv-04508] (scu) [Entry date 03/23/99]

3/19/99 120 DECLARATION (by fax) "FILED UNDER SEAL" in support of opposition [103-1] [3:98-cv-04508] (scu) [Entry date 03/23/99]

3/19/99 121 DECLARATION "FILED UNDER SEAL" in support of opposition [103-1] [3:98-cv-04508] (scu) [Entry date 03/23/99]

3/19/99 122 CERTIFICATE OF SERVICE by defendants of opposition [103-1] and appendix [104-1] [3:98-cv-04508] (lcc) [Entry date 03/23/99]

3/19/99 103 OPPOSITION "FILED UNDER SEAL" to motion for preliminary injunction [1-1] [3:98-cv-04508] (scu) [Entry date 03/29/99]

3/22/99 123 AMENDED CERTIFICATE OF SERVICE by defendants of opposition [103-1], appendix [104-1], declarations [105-1], [106-1], [107-1], [108-1], [109-1], [110-1], [111-1], [112-1], [113-1], [114-1], [115-1], [116-1], [117-1], [118-1], [119-1], [120-1], [121-1] and certificate of service [122-1] [3:98-cv-04508] (lcc) [Entry date 03/23/99]

3/23/99 124 DECLARATION OF SERVICE by Plaintiff Affymetrix Inc. of notice [102-1] [3:98-cv-04508] (lcc) [Entry date 03/23/99]

3/25/99 125 ORDER by Judge Fern M. Smith: The Court hereby APPOINTS The Honorable Eugene F. Lynch as Special Master in this case for purposes of all discovery matters. Unless and until further order of this Court, all discovery matters in this case shall be submitted to and resolved by the Special Master. The compensation to be allowed the Special Master shall be shared equally as between the plaintiff, on the one hand, and the defendants, on the other, unless otherwise ordered by the Special Master. (Date Entered: 3/26/99) (cc: all counsel) [3:98-cv-04508] (lcc) [Entry date 03/26/99]

3/25/99 -- RECEIVED Stipulated Motion and Proposed Order (Plaintiff Affymetrix Inc.) for leave for plaintiff to file reply brief exceeding the page limits of Civil L.R. 7-3(a) [3:98-cv-04508] (lcc) [Entry date 03/26/99]

3/25/99 126 PROOF OF SERVICE by Plaintiff Affymetrix Inc. of order received (stipulated motion) [0-0] [3:98-cv-04508] (lcc)

[Entry date 03/26/99]

3/26/99 127 REDACTED OPPOSITION by defendants to motion for preliminary injunction [1-1] [3:98-cv-04508] (lcc) [Entry date 03/29/99]

3/26/99 128 REDACTED DECLARATION by Teresa M. Corbin on behalf of defendants in support of opposition [127-1] [3:98-cv-04508] (lcc) [Entry date 03/29/99]

3/26/99 129 REDACTED DECLARATION by Dari Shalon on behalf of defendants in opposition to motion for preliminary injunction [1-1] [3:98-cv-04508] (lcc) [Entry date 03/29/99]

3/26/99 130 REDACTED DECLARATION by Michael Pirrung on behalf of defendants in support of opposition [127-1] [3:98-cv-04508] (lcc) [Entry date 03/29/99]

3/26/99 131 REDACTED DECLARATION by Richard T. Rapp on behalf of defendants in support of opposition [127-1] [3:98-cv-04508] (lcc) [Entry date 03/29/99]

3/26/99 132 REDACTED DECLARATION by Charles Cantor on behalf of defendants in opposition motion for preliminary injunction [1-1] [3:98-cv-04508] (lcc) [Entry date 03/29/99]

3/26/99 133 REDACTED DECLARATION by Larry J. Kricka on behalf of defendants in opposition to motion for preliminary injunction [1-1] [3:98-cv-04508] (lcc) [Entry date 03/29/99]

3/26/99 134 REDACTED DECLARATION by Roy Whitfield on behalf of defendants in support of opposition [127-1] [3:98-cv-04508] (lcc) [Entry date 03/29/99]

3/26/99 135 REDACTED DECLARATION by Ben Cocks on behalf of defendants in support of opposition [127-1] [3:98-cv-04508] (lcc) [Entry date 03/29/99]

3/26/99 136 REDACTED DECLARATION by Lisa Peterson on behalf of defendants in support of opposition [127-1] [3:98-cv-04508] (lcc) [Entry date 03/29/99]

3/26/99 137 REDACTED DECLARATION by Patrick Brown on behalf of defendants in support of opposition [127-1] [3:98-cv-04508] (lcc) [Entry date 03/29/99]

3/26/99 138 REDACTED DECLARATION by Scott Braxton on behalf of defendants in support of opposition [127-1] [3:98-cv-04508] (lcc) [Entry date 03/29/99]

3/26/99 139 REDACTED DECLARATION by Howard Goldstein on behalf of defendants in support of opposition [127-1] [3:98-cv-04508] (lcc) [Entry date 03/29/99]

3/26/99 140 REDACTED DECLARATION by Jeff Seilhamer on behalf of defendants in support of opposition [127-1] [3:98-cv-04508] (lcc) [Entry date 03/29/99]

3/26/99 141 REDACTED DECLARATION by Deval Lashkari on behalf of defendants in support of opposition [127-1] [3:98-cv-04508] (lcc) [Entry date 03/29/99]

3/26/99 142 REDACTED DECLARATION by Denise Gilbert on behalf of defendants in support of opposition [127-1] [3:98-cv-04508] (lcc) [Entry date 03/29/99]

3/26/99 143 REDACTED DECLARATION by Steven B. Kelber on behalf of defendants in support of opposition [127-1] [3:98-cv-04508] (lcc) [Entry date 03/29/99]

3/26/99 144 CERTIFICATE OF SERVICE by defendants of redacted opposition [127-1] and redacted declarations [128-1], [129-1], [130-1], [131-1], [132-1], [133-1], [134-1], [135-1], [136-1], [137-1], [138-1], [139-1], [140-1], [141-1], [142-1], [143-1] [3:98-cv-04508] (lcc) [Entry date 03/29/99]

3/26/99 145 JOINT CASE MANAGEMENT STATEMENT and PROPOSED ORDER filed. [3:98-cv-04508] (lcc) [Entry date 03/29/99]

3/26/99 146 MOTION before Judge Fern M. Smith by defendants for partial summary judgment that claims 4 and 5 of the '992 patent are invalid for failure to satisfy the written description requirement of 35 U.S.C. Section 112 with Notice set for 4/30/99 at 1:30 p.m. [3:98-cv-04508] (lcc) [Entry date 03/29/99]

3/26/99 -- RECEIVED Proposed Order (defendants) re: motion for partial summary judgment that claims 4 and 5 of the '992 patent are invalid for failure to satisfy the written description requirement of 35 U.S.C. Section 112 [146-1] [3:98-cv-04508] (lcc) [Entry date 03/29/99]

3/26/99 147 CERTIFICATE OF SERVICE by defendants of motion for partial summary judgment that claims 4 and 5 of the '992 patent are invalid for failure to satisfy the written description requirement of 35 U.S.C. Section 112 [146-1] and order received [0-0] [3:98-cv-04508] (lcc) [Entry date 03/29/99]

3/26/99 148 AMENDED OPPOSITION "FILED UNDER SEAL" to motion for preliminary injunction [1-1] [3:98-cv-04508] (scu) [Entry date 03/29/99]

3/26/99 149 AMENDED EXHIBITS C, I and BB "FILED UNDER SEAL" to declaration [121-1] [3:98-cv-04508] (scu) [Entry date 03/30/99] [Edit date 03/30/99]

3/26/99 150 AMENDED EXHIBIT M "FILED UNDER SEAL" to declaration [113-1] [3:98-cv-04508] (scu) [Entry date 03/30/99]

3/26/99 151 CERTIFICATE OF SERVICE by defendants of opposition [148-1] and amended exhibits [149-1], [150-1] [3:98-cv-04508] (lcc) [Entry date 03/30/99]

3/29/99 -- RECEIVED Stipulation and Proposed Order (Plaintiff Affymetrix Inc.) to exceed the number of depositions permitted under FRCP 30(a) [3:98-cv-04508] (lcc) [Entry date 03/30/99]

3/29/99 152 PROOF OF SERVICE by Plaintiff Affymetrix Inc. of order received (stipulation) [0-0] [3:98-cv-04508] (lcc) [Entry date 03/30/99]

3/29/99 153 CLERK'S NOTICE: Case Management Conference CONTINUED to 8:30 4/8/99. Not less than ten (10) days before the Conference, counsel shall file, jointly if possible, a Case Management Conference Statement. [3:98-cv-04508] (lcc) [Entry date 03/30/99]

3/30/99 154 NOTICE by Plaintiff Affymetrix Inc. of Entry of order [125-2]. [3:98-cv-04508] (lcc) [Entry date 03/31/99]

3/31/99 155 STIPULATED MOTION before Judge Fern M. Smith by Plaintiff Affymetrix Inc. for leave to file reply brief exceeding the page limits [3:98-cv-04508] (lcc) [Entry date 03/31/99]

3/31/99 155 ORDER by Judge Fern M. Smith GRANTING stipulated motion for leave to file reply brief exceeding the page limits

[155-1]. Plaintiff's reply brief to defendants' opposition not to exceed twenty (20) pages in length. (Date Entered: 3/31/99) (cc: all counsel) [3:98-cv-04508] (lcc) [Entry date 03/31/99]

- 3/31/99 156 STIPULATION and ORDER by Judge Fern M. Smith: That Plaintiff Affymetrix, Inc. may take five (5) additional depositions and that Defendants Synteni, Inc. and Incyte Pharmaceuticals, Inc. may collectively take five (5) deposition in connection with Plaintiff's pending motion for preliminary injunction. (cc: all counsel) [3:98-cv-04508] (lcc) [Entry date 04/01/99]
- 4/1/99 -- RECEIVED Stipulation and Proposed Order (Plaintiff Affymetrix Inc.) to extend filing date of Plaintiff Affymetrix, Inc's reply brief in support of motion for preliminary injunction [1-1] [3:98-cv-04508] (lcc) [Entry date 04/02/99]
- 4/2/99 157 PROOF OF SERVICE by Plaintiff Affymetrix Inc. of joint statement case mangement [145-1] [3:98-cv-04508] (lcc) [Entry date 04/06/99]
- 4/2/99 158 PROOF OF SERVICE by Plaintiff Affymetrix Inc. of stipulation order [156-1] [3:98-cv-04508] (lcc) [Entry date 04/06/99]
- 4/5/99 159 STIPULATION and ORDER by Judge Fern M. Smith: EXTENDING Plaintiff Affymetrix, Inc.'s time to file its Reply Brief in support of the pending motion for preliminary injunction on 4/8/99. (cc: all counsel) [3:98-cv-04508] (lcc) [Entry date 04/06/99]
- 4/5/99 160 MINUTES: (C/R - none) (Hearing Date: 4/5/99) Telephonic hearing held. Defendants object to letter faxed to the Court by plaintiff's counsel. Court told parties to take this matter to the Special Master and not to file anymore ex parte matters with the Court. If a matter is not before the Special Master, then parties are to file a formal motion with the Court. [3:98-cv-04508] (lcc) [Entry date 04/06/99]
- 4/5/99 164 PROOF OF SERVICE by Plaintiff Affymetrix Inc. of stipulation order [159-2] [3:98-cv-04508] (lcc) [Entry date 04/08/99]
- 4/6/99 161 LETTER dated 4/2/99 from David Alexander to Judge Fern M. Smith regarding telephonic conference to discuss defendants' unilateral decision to distribute Affymetrix'

confidential information to several stock market analysts.
[3:98-cv-04508] (lcc) [Entry date 04/08/99]

- 4/6/99 162 LETTER dated 4/5/99 from David Alexander to Judge Fern M. Smith regarding further telephone hearing scheduled for 2:00 p.m. this afternoon and regarding terms of protective order. [3:98-cv-04508] (lcc) [Entry date 04/08/99]
- 4/6/99 163 LETTER (by fax) dated 4/5/99 from Teresa M. Corbin to Judge Fern M. Smith regarding the filing and serving on plaintiff a public version of defendants' opposition to the preliminary injunction motion and supporting declarations. [3:98-cv-04508] (lcc) [Entry date 04/08/99]
- 4/7/99 165 NOTICE by Plaintiff Affymetrix Inc. of Entry of order [62-1]. [3:98-cv-04508] (lcc) [Entry date 04/08/99]
- 4/7/99 166 DECLARATION OF SERVICE by Plaintiff Affymetrix Inc. of notice [165-1] [3:98-cv-04508] (lcc) [Entry date 04/08/99]
- 4/8/99 167 NOTICE by Plaintiff Affymetrix Inc. of Entry of stipulation order [159-2]. [3:98-cv-04508] (lcc) [Entry date 04/09/99]
- 4/8/99 168 DECLARATION OF SERVICE by Plaintiff Affymetrix Inc. of notice of entry of order [167-1] [3:98-cv-04508] (lcc) [Entry date 04/09/99]
- 4/8/99 169 MINUTES: (C/R - none) INITIAL CASE MANAGEMENT CONFERENCE HELD. Case continued to 11/18/99 at 2:30 p.m. for Claim Construction Hearing; Pre-trial Conference will be held 6/19/00 at 2:30 p.m.; Jury Trial set for 7/10/00 at 8:30 a.m. Set for 16 days. Court has consolidated cases 3:98-cv-4507 with member case 3:98-cv-4508. All future filings shall be in 3:98-cv-4507. Both cases are REFERRED to Judge Eugene Lynch for discovery. Plaintiffs must name any new parties by 6/1/99. Parties may stipulate to bifurcate the damages for trial. [3:98-cv-04508] (lcc) [Entry date 04/09/99]
- 4/8/99 170 REPLY Brief "FILED UNDER SEAL" in support of motion for preliminary injunction [1-1] [3:98-cv-04508] (scu) [Entry date 04/12/99]
- 4/8/99 171 OBJECTIONS "FILED UNDER SEAL" to evidence submitted in opposition [127-1] [3:98-cv-04508] (scu) [Entry date 04/12/99]

4/8/99 -- RECEIVED Proposed Order (Plaintiff Affymetrix Inc.) re:
motion for preliminary injunction [1-1] [3:98-cv-04508] (lcc)
[Entry date 04/12/99]

4/8/99 172 DECLARATION "FILED UNDER SEAL" in support of reply brief
[170-1] [3:98-cv-04508] (scu) [Entry date 04/12/99]

4/8/99 173 DECLARATION "FILED UNDER SEAL" in support of reply brief
[170-1] [3:98-cv-04508] (scu) [Entry date 04/12/99]

4/8/99 174 DECLARATION "FILED UNDER SEAL" in support of reply brief
[170-1] [3:98-cv-04508] (scu) [Entry date 04/12/99]

4/8/99 175 DECLARATION "FILED UNDER SEAL" in support of reply brief
[170-1] [3:98-cv-04508] (scu) [Entry date 04/12/99]

4/8/99 176 REPLY DECLARATION "FILED UNDER SEAL" in support of reply
brief [170-1] [3:98-cv-04508] (scu) [Entry date 04/12/99]
[Edit date 04/12/99]

4/8/99 177 DECLARATION "FILED UNDER SEAL" in support of reply brief
[170-1] [3:98-cv-04508] (scu) [Entry date 04/12/99]

4/8/99 178 REPLY DECLARATION "FILED UNDER SEAL" in support of reply
brief [170-1] [3:98-cv-04508] (scu) [Entry date 04/12/99]

4/8/99 179 DECLARATION "FILED UNDER SEAL" in support of reply brief
[170-1] [3:98-cv-04508] (scu) [Entry date 04/12/99]

4/8/99 180 DECLARATION (by fax) "FILED UNDER SEAL" in support of reply
brief [170-1] [3:98-cv-04508] (scu) [Entry date 04/12/99]

4/8/99 181 DECLARATION (by fax) "FILED UNDER SEAL" in support of reply
brief [170-1] [3:98-cv-04508] (scu) [Entry date 04/12/99]

4/8/99 182 DECLARATION "FILED UNDER SEAL" in support of reply brief
[170-1] [3:98-cv-04508] (scu) [Entry date 04/12/99]

4/8/99 183 DECLARATION "FILED UNDER SEAL" in support of objections
[171-1] [3:98-cv-04508] (scu) [Entry date 04/12/99]

4/8/99 184 DECLARATION (by fax) "FILED UNDER SEAL" in support of reply
brief [170-1] [3:98-cv-04508] (scu) [Entry date 04/12/99]

4/8/99 185 DECLARATION OF SERVICE by Plaintiff Affymetrix Inc. of reply brief [170-1], objections [171-1], order received [0-0] and declarations [172-1], [173-1], [174-1], [175-1], [176-1], [177-1], [178-1], [179-1], [180-1], [181-1], [182-1], [183-1], [184-1] [3:98-cv-04508] (lcc) [Entry date 04/12/99]

4/9/99 186 EXHIBITS AND NOTICE OF ERRATA "FILED UNDER SEAL" to declaration [175-1] [3:98-cv-04508] (scu) [Entry date 04/12/99]

4/9/99 187 DECLARATION OF SERVICE by Plaintiff Affymetrix Inc. of exhibits and notice of errata [186-1] [3:98-cv-04508] (lcc) [Entry date 04/12/99]

4/15/99 190 DISCOVERY ORDER by Special Master GRANTING plaintiff's motion to redeposed R. Whitfield; see Order for specific conditions (Date Entered: 4/21/99) (cc: all counsel) [3:98-cv-04508] (slh) [Entry date 04/21/99]

4/16/99 188 CORRECTED DECLARATION "FILED UNDER SEAL" in support of reply brief [170-1] [3:98-cv-04508] (scu) [Entry date 04/16/99] [Edit date 04/16/99]

4/16/99 189 DECLARATION OF SERVICE by Plaintiff of corrected declaration [188-1] [3:98-cv-04508] (slh) [Entry date 04/16/99]

4/22/99 191 NON OPPOSITION IN PART AND OPPOSITION IN PART "FILED UNDER SEAL" by Plaintiff to motion for leave to file sur-reply. [3:98-cv-04508] (scu) [Entry date 04/26/99]

4/22/99 192 SUPPLEMENT by Plaintiff to reply brief [170-1] [3:98-cv-04508] (slh) [Entry date 04/26/99]

4/22/99 193 DECLARATION by Craig R. Kaufman on behalf of Plaintiff in support of supplement [192-1] [3:98-cv-04508] (slh) [Entry date 04/26/99]

4/22/99 194 DECLARATION by Donald Banner on behalf of Plaintiff in support of supplement [192-1] [3:98-cv-04508] (slh) [Entry date 04/26/99]

4/22/99 195 PROOF OF SERVICE by Plaintiff of opposition [191-1], supplement [192-1], declaration [193-1], declaration

[194-1] [3:98-cv-04508] (slh) [Entry date 04/26/99]

- 5/4/99 198 ORDER by Judge Fern M. Smith DENYING plaintiff's motion for preliminary injunction [1-1]. GRANTING IN PART and DENYING IN PART defendants' motion for leave to file surreply in opposition to motion for preliminary injunction. Defendants' motion for partial summary judgment that claims 4 and 5 of the '992 patent are invalid for failure to satisfy the written description requirement of 35 U.S.C. Section 112 [146-1] is DENIED without prejudice. It may be renewed by Synteni and Incyte, if necessary, when the interference proceeding is completed. In the interests of justice, no further dispositive motions may be filed by either party until the interference proceeding is complete. Discovery, however, will not be stayed during that time. (cc: all counsel) [3:98-cv-04508] (lcc) [Entry date 05/19/99]
- 5/18/99 196 MINUTES: (C/R - none) (Hearing Date: 4/27/99) Tutorial hearing held. Case continued to 4/30/99 at 1:30 p.m. regarding defendants' motion for partial summary judgment that claims and 5 of the '992 patent are invalid for failure to satisfy the written description requirement of 35 U.S.C. Section 112 [146-1]. [3:98-cv-04508] (lcc) [Entry date 05/19/99] [Edit date 05/19/99]
- 5/18/99 197 MINUTES: (C/R - Leo Mankiewicz) (Hearing Date: 4/30/99) That plaintiff's motion for preliminary injunction [1-1] and defendants' motion for partial summary judgment that claims 4 and 5 of the '992 patent are invalid for failure to satisfy the written description requirement of 35 U.S.C. Section 112 [146-1] are SUBMITTED. [3:98-cv-04508] (lcc) [Entry date 05/19/99] [Edit date 07/27/99]
- 5/18/99 199 REPORTER'S TRANSCRIPT; Date of proceedings: 4/30/99 (C/R: Leo T. Mankiewicz) minutes [197-1]. [3:98-cv-04508] (lcc) [Entry date 05/24/99]
- 7/6/99 200 CLERK'S NOTICE of impending reassignment to a United States District Judge. All currently calendared dates before Judge Fern M. Smith are VACATED. [3:98-cv-04508] (lcc) [Entry date 07/12/99]
- 8/16/99 -- RECEIVED Stipulation and Order submitted by defendant Synteni Inc., defendant Incyte Pharmaceutica re: extend filing date of the Joint Claim Construction Statement [3:98-cv-04508] (mmr) [Entry date 08/19/99]
- 8/19/99 201 REASSIGNMENT ORDER by Assignment Committee: Case reassigned to Judge William H. Alsup (Date Entered:

8/19/99) (cc: all counsel) [3:98-cv-04508] (slh)
[Entry date 08/19/99]

8/20/99 202 ORDER by Judge William H. Alsup for counsel to submit a joint status report within 15 days. (Date Entered: 8/23/99) (cc: all counsel) [3:98-cv-04508] (slh)
[Entry date 08/23/99]

8/20/99 203 STIPULATION and ORDER by Judge William H. Alsup extending time to 8/27/99 for parties to file their Joint Claim Construction Statement (cc: all counsel) [3:98-cv-04508] (slh) [Entry date 08/23/99]

9/10/99 204 DECLARATION OF SERVICE by Plaintiff of joint status report [3:98-cv-04508] (slh) [Entry date 09/16/99]

9/14/99 205 DECLARATION OF SERVICE by Plaintiff of notice of entry of order. [3:98-cv-04508] (slh) [Entry date 09/16/99]

12/6/99 206 ORDER by Assignment Committee Case assigned to Judge Jeremy Fogel (Date Entered: 12/17/99) (cc: all counsel) [5:99-cv-21165] (bug) [Entry date 12/17/99]

12/29/99 -- TRANSMITTAL of documents: original case file doc 1-206 including sealed, exhibits and bulky documents sent USDC San Jose Division [5:99-cv-21165] (bug)
[Entry date 12/29/99]

1/6/00 207 CLERK'S NOTICE Case Management Conference set for 10:30 2/28/00 ; [5:99-cv-21165] (gm) [Entry date 01/07/00]

1/25/00 208 DUPPLEMENTAL DECLARATION by Teresa M. Corbin in support of defendatns' Notice of objections and objections to the discovery order by Special Master re file histories on behalf of defendant Synteni Inc., defendant Incyte Pharmaceutica [5:99-cv-21165] (gm) [Entry date 01/28/00]

1/25/00 209 PROOF OF SERVICE by defendant Synteni Inc., defendant Incyte Pharmaceutica of declaration [208-1] [5:99-cv-21165] (gm) [Entry date 01/28/00]

2/4/00 210 NOTICE by defendant Synteni Inc., defendant Incyte Pharmaceutica of change of Firm Name [5:99-cv-21165] (gm)
[Entry date 02/09/00]

2/14/00 211 RESPONSE to Affymetrix, Inc.'s notice od objection and

objection in part to order of Speical Master by defendant Synteni Inc., defendant Incyte Pharmaceutica, Counter-claimant Synteni Inc., Counter-claimant Incyte Pharmaceutica [5:99-cv-21165] (gm) [Entry date 02/16/00]

- 2/14/00 212 DECLARATION by Jennifer A. Tipsord on behalf of defendant Synteni Inc., defendant Incyte Pharmaceutica, Counter-claimant Synteni Inc., Counter-claimant Incyte Pharmaceutica re response [211-1] [5:99-cv-21165] (gm) [Entry date 02/16/00]
- 2/17/00 213 CLERK'S NOTICE Case Management Conference set for 10:30 4/17/00 ; [5:99-cv-21165] (gm) [Entry date 02/23/00]
- 4/12/00 214 CLERK'S NOTICE Case Management Conference set for 9:00 7/10/00 ; [5:99-cv-21165] (gm) [Entry date 04/14/00]
- 5/23/00 215 FIRST AMENDED ANSWER to complaint [4-1] and COUNTERCLAIM; jury demand by defendant Synteni Inc., defendant Incyte Pharmaceutica against Plaintiff Affymetric Inc. [5:99-cv-21165] (gm) [Entry date 05/26/00]
- 5/25/00 216 ORDER denying ex parte request for early CMC by Judge Jeremy Fogel (Date Entered: 6/6/00) (cc: all counsel) [5:99-cv-21165] (gm) [Entry date 06/06/00]
- 6/12/00 217 EX-PARTE APPLICATION before Judge Jeremy Fogel by defendant Synteni Inc., defendant Incyte Pharmaceutica for an expedited hearing and briefing schedule for their motion for lreave to file amended answers and counterclaims [5:99-cv-21165] (gm) [Entry date 06/14/00]
- 6/12/00 218 DECLARATION by Don F. Livornese on behalf of defendant Synteni Inc., defendant Incyte Pharmaceutica in support of motion for an expedited hearing and briefing schedule for their motion for lreave to file amended answers and counterclaims [217-1] [5:99-cv-21165] (gm) [Entry date 06/14/00]
- 6/28/00 219 ORDER by Judge Jeremy Fogel denying motion for an expedited hearing and briefing schedule for their motion for lreave to file amended answers and counterclaims [217-1] (Date Entered: 6/29/00) (cc: all counsel) [5:99-cv-21165] (gm) [Entry date 06/29/00]
- 6/29/00 220 CLERK'S NOTICE Case Management Statement is due 7/6/00 ; Case Management Conference set for 9:00 7/10/00 ; [5:99-cv-21165] (gm) [Entry date 06/30/00]

7/10/00 221 MINUTES: (C/R Peter Torreano) INITIAL CASE MANAGEMENT CONFERENCE HELD. In court law and motion hearing will be held 9:00 8/7/00 ; [5:99-cv-21165] (gm)
[Entry date 07/11/00]

8/11/00 222 AMENDED ANSWER to complaint [1-1] and COUNTERCLAIM; jury demand by defendant Synteni Inc., defendant Incyte Pharmaceutica against Plaintiff Affymetric Inc.
[5:99-cv-21165] (FILED UNDER SEAL) (gm)
[Entry date 08/15/00] [Edit date 08/15/00]

8/11/00 223 PROOF OF SERVICE by defendant Synteni Inc., defendant Incyte Pharmaceutica of answer answer [222-1], counterclaim [222-2] [5:99-cv-21165] (gm) [Entry date 08/15/00]

8/17/00 224 PROOF OF SERVICE by defendant of Motion for Protective Order, Memorandum in support and declaration of Marcus T. Hall in support of motion [5:99-cv-21165] (gm)
[Entry date 08/22/00]

8/21/00 225 NOTICE OF MOTION AND MOTION before Judge Jeremy Fogel by defendant Synteni Inc., defendant Incyte Pharmaceutica, Counter-claimant Synteni Inc., Counter-claimant Incyte Pharmaceutica to bifurcate discovery and trial on the issue of willful infringement with Notice set for 9/25/00 at 9:00 [5:99-cv-21165] (gm) [Entry date 08/24/00]

8/21/00 226 MEMORANDUM by defendant Synteni Inc., defendant Incyte Pharmaceutica, Counter-claimant Synteni Inc., Counter-claimant Incyte Pharmaceutica in support of motion to bifurcate discovery and trial on the issue of willful infringement [225-1] [5:99-cv-21165] (gm)
[Entry date 08/24/00]

8/21/00 227 DECLARATION by Don F. Livornese on behalf of defendant Synteni Inc., defendant Incyte Pharmaceutica, Counter-claimant Synteni Inc., Counter-claimant Incyte Pharmaceutica in support of motion to bifurcate discovery and trial on the issue of willful infringement [225-1] [5:99-cv-21165] (gm) [Entry date 08/24/00]

9/26/00 228 ORDER by Judge Jeremy Fogel requiring defendants to submit ocounsel opinions for in camera review re [225-1] (Date Entered: 9/27/00) (cc: all counsel) [5:99-cv-21165] (gm)
[Entry date 09/27/00]

10/11/00 229 ORDER re request for conference by Judge Jeremy Fogel (

Date Entered: 10/18/00) (cc: all counsel) [5:99-cv-21165]
(gm) [Entry date 10/18/00]

10/27/00 230 ORDER by Judge Jeremy Fogel appointing Special Master for
discovery (Date Entered: 10/30/00) (cc: all counsel)
[5:99-cv-21165] (gm) [Entry date 10/30/00]

3/20/01 231 ORDER by Judge Jeremy Fogel Reference to Special Master
(Date Entered: 3/26/01) (cc: all counsel)
[5:99-cv-21165] (gm) [Entry date 03/26/01]

4/5/01 232 ORDER granting in part and denying part motion to dismiss
or strike counterclaims and affirmative defenses by Judge
Jeremy Fogel (Date Entered: 4/10/01) (cc: all counsel)
[5:99-cv-21165] (gm) [Entry date 04/10/01]

5/2/01 233 ORDER by Judge Jeremy Fogel granting motion for partial
summary judgment of noninfringement (Date Entered: 5/7/01)
(cc: all counsel) [5:99-cv-21165] (gm)
[Entry date 05/07/01]

5/3/01 234 REPORT AND RECOMMENDATION of Special Master (cc: all
counsel) [5:99-cv-21165] (gm) [Entry date 05/09/01]

5/7/01 -- RECEIVED Second Amended Answer and Counterclaims submitted
by defendant Synteni Inc., defendant Incyte Pharmaceutica
(FILED UNDER SEAL) [5:99-cv-21165] (gm)
[Entry date 05/09/01]

5/7/01 235 PROOF OF SERVICE by defendant Synteni Inc., defendant
Incyte Pharmaceutica of document received [0-0]
[5:99-cv-21165] (gm) [Entry date 05/09/01]

5/18/01 236 DECLARATION by Don F. Livornese supportin the sealing of
Second Amended Answer on behalf of defendant Synteni Inc.,
defendant Incyte Pharmaceutica [5:99-cv-21165] (gm)
[Entry date 06/05/01]

6/4/01 237 NOTICE OF MOTION AND MOTION before Judge Jeremy Fogel by
defendant Synteni Inc., defendant Incyte Pharmaceutica for
leave to add additional allegations of inequitable conduct
to its second amended 21165 answer and counterclaim with
Notice set for 8/6/01 at 9:00 [5:99-cv-21165] (gm)
[Entry date 06/07/01]

6/4/01 238 MEMORANDUM by defendant Synteni Inc., defendant Incyte
Pharmaceutica in support of motion for leave to add

additional allegations of inequitable conduct to its second amended 21165 answer and counterclaim [237-1] [5:99-cv-21165] (gm) [Entry date 06/07/01]

- 6/4/01 239 PROOF OF SERVICE by defendant Synteni Inc., defendant Incyte Pharmaceutica of memorandum [238-1], motion for leave to add additional allegations of inequitable conduct to its second amended 21165 answer and counterclaim [237-1] [5:99-cv-21165] (gm) [Entry date 06/07/01]
- 6/5/01 240 DECLARATION by Lee Bendekgey supporting the sealing of Second Amended Answer on behalf of defendant Synteni Inc., defendant Incyte Pharmaceutica [5:99-cv-21165] (gm) [Entry date 06/11/01]
- 6/29/01 241 SUPPLEMENTAL REPORT AND RECOMMENDATION by Special Master (cc: all counsel) [5:99-cv-21165] (gm) [Entry date 07/05/01]
- 8/6/01 242 MINUTES: (C/R Peter Torreano) (Hearing Date: 8/6/01) that the motion for an expedited hearing and briefing schedule for their motion for lreave to file amended answers and counterclaims [217-1] is submitted [5:99-cv-21165] (gm) [Entry date 08/10/01]
- 8/7/01 243 ORDER by Judge Jeremy Fogel granting motion for leave to add additional allegations of inequitable conduct to its second amended 21165 answer and counterclaim [237-1] (Date Entered: 8/14/01) (cc: all counsel) [5:99-cv-21165] (gm) [Entry date 08/14/01]
- 9/20/01 244 ORDER granting moiton for partial summary judgment of invlaidity of claims 1-3 of U.S. patent no. 5,800,992 for indefiniteness of "substantially complementary" by Judge Jeremy Fogel (Date Entered: 9/24/01) (cc: all counsel) [5:99-cv-21165] (gm) [Entry date 09/24/01]
- 9/20/01 245 ORDER denying Incyte's moiton for partial summary judgment of invalidity of U.S. patent no. 5,744,305 for lack of written description of "predefined region" by Judge Jeremy Fogel (Date Entered: 9/24/01) (cc: all counsel) [5:99-cv-21165] (gm) [Entry date 09/24/01]
- 10/17/01 246 SETTLEMENT CONFERENCE MINUTES: (C/R P. Torreano) (Hearing Date: 10/16/01) , , Settlement conference will be held 1:30 12/3/01 ; [5:99-cv-21165] (cv) [Entry date 10/25/01]
- 12/10/01 247 SETTLEMENT CONFERENCE MINUTES: (C/R Peter Torreano) (

Hearing Date: 12/3/01) Settlement conference held,
Settlement conference will be held 11:00 12/17/01 ;
[5:99-cv-21165] (gm) [Entry date 12/12/01]

12/17/01 248 SETTLEMENT CONFERENCE MINUTES: (C/R P. Torreano) (Hearing
Date: 12/17/01) Settlement conference held, Settlement
conference will be held 10:00 12/21/01 ; [5:99-cv-21165]
(cv) [Entry date 12/19/01]

12/21/01 249 MINUTES: Parties have agreed and filed a stipulation to
dismiss entire action with/pre for cases c-99-21164;
c-99-21165;c-20065; one civil action remains open
c-99-21111 (C/R Peter Torreano) (Hearing Date: 12/21/01)
[5:99-cv-21165] (lrd) [Entry date 12/28/01]

12/21/01 250 NOTICE AND ORDER OF DISMISSAL by defendant Synteni Inc.,
defendant Incyte Pharmaceutica . Judge Jeremy Fogel (cc:
all counsel) [5:99-cv-21165] (lrd) [Entry date 12/28/01]

Case Flags:
TERMED
CONSOL
R/R

END OF DOCKET: 5:99cv21165
